

**Gillespie, Peter J**

**From:** Thomas J Andrews [andrewst@jbltd.com]  
**Sent:** Thursday, April 03, 2008 4:35 PM  
**To:** THoffman@SanchezDH.com  
**Cc:** kjj@rblaw.net; sdb@rblaw.net; tmpalumbo@kopkalaw.com; Gillespie, Peter J; Karasik, Mark L  
**Subject:** RE: Misiak v. Hubbell

Tim,

While we await my status in the case, I want to confirm that there will be no destructive testing done while I cannot participate. I would not consider removal of covers, and operation of the crane destructive, since that has already been done. If plaintiff's experts want to try again to reproduce the accident, not only would that be unsafe, but may result in accidental destructive testing.

I am assuming that my request will not impact the planned inspection, or delay discovery. If I am incorrect about possible destructive testing, or testing that could impact subsequent testing results, please advise so that I can seek a protective order.

Tom

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**From:** Hawley, Heather L [mailto:Heather.L.Hawley@BakerNet.com] **On Behalf Of** Karasik, Mark L  
**Sent:** Thursday, April 03, 2008 11:25 AM  
**To:** THoffman@SanchezDH.com  
**Cc:** Karasik, Mark L; kjj@rblaw.net; sdb@rblaw.net; tmpalumbo@kopkalaw.com; Gillespie, Peter J; Thomas J Andrews  
**Subject:** Misiak v. Hubbell

Dear Tim:

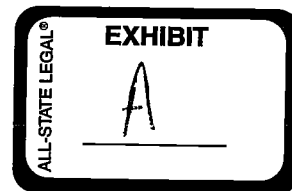
I am writing ahead to suggest that we schedule the inspection of the Union Tank Car premises for a date certain some time during the week of June 2 or June 9. I will have two in-house representatives and two outside consultants present. I have asked them to let me know if there are any bad days during those weeks. It looks like we will have the plant to ourselves given that Union Tank Car is closing its facility in May. I am suggesting that all parties (with the exception of Tom Andrews based on yesterday's ruling) advise if there are any bad dates during the weeks of June 2 or June 9. Finally, we (except for Tom Andrews) look forward to receiving Union Tank Car's compliance with the outstanding subpoena by April 23. Thanks for your cooperation and professionalism.

Best regards,  
 Mark

cc: All parties of record

Mark L. Karasik  
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6/23/2008



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